

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD LEE JOHNSEN,

Plaintiff,

v.

HARLAN and GOMEZ,

Defendant.

CASE NO. C19-58 MJP

ORDER OF DISMISSAL


Late last year, Defendants provided the Court with notice of the death of Plaintiff. Dkt. No. 49. This triggered an order pursuant to FRCP 25(a) that the “suggesting party” file a formal notice of death and serve “non-party successors of the deceased with the suggestion of death.” This triggers a 90-day time period in which any non-party successor of the deceased plaintiff must appear and substitute in for the decedent. Dkt. No. 51. Failure to do so requires dismissal of the decedent’s lawsuit. FRCP 25(a)(1); *see also* Barlow v. Ground, 39 F.3d 231, 233 (9th Cir. 1994).

1 Defendants complied with the Court's directive, filing a Notice of Death of Plaintiff and
2 Existence of Lawsuit and mailing that notice to the successors of Plaintiff (his mother and
3 daughter) whom they were able to identify. Dkt. No. 52. Over 90 days have elapsed since the
4 notification to Plaintiff's successors and no appearance has been made, therefore

5 IT IS ORDERED that, pursuant to FRCP 25(a), the above-entitled matter is
6 DISMISSED.

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8 The clerk is ordered to provide copies of this order to all counsel.

9 Dated May 18, 2020.

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11 Marsha J. Pechman
12 United States Senior District Judge
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